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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/058,496	04/10/98	MICHAUD	J	07844/273001

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EXAMINER
BASHORE, W

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 01/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/058,496	Applicant(s) Michaud et al.
	Examiner William L. Bashore	Group Art Unit 2176

☒ Responsive to communication(s) filed on _Nov 30, 2000_

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____3___ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) _1-10, 12, 13, and 15-28_ is/are pending in the applicat

    Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) _1-10, 12, 13, and 15-28_ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

       ☐ received.

       ☐ received in Application No. (Series Code/Serial Number) _____ .

       ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    *Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). ____ 6, 13

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

U. S. Patent and Trademark Office
PTO-326 (Rev. 9-95)   Office Action Summary   Part of Paper No. ___ 14

DETAILED ACTION

1.   This action is responsive to communications: CPA and amendment filed on 11/13/2000 to the

original application filed on 4/10/1998. IDS filed on 7/19/1999, and 11/30/2000. No priority or

provisional filing date is claimed.

2.   The rejection of claims 1-11, 13-14, 17-20, 22-23, 26-27 under 35 U.S.C. 103(a) as being

unpatentable over Mapedit has been withdrawn as necessitated by amendment.

3.   The rejection of claims 12, 21 under 35 U.S.C. 103(a) as being unpatentable over Mapedit and

Carey has been withdrawn as necessitated by amendment.

4.   The rejection of claims 15-16, 24-26 under 35 U.S.C. 103(a) as being unpatentable over Mapedit

and Nielsen has been withdrawn as necessitated by amendment.

5.   Upon further consideration, the examiner has now considered the Macromedia reference, and has

included a revised PTO 1449 (paper 6) indicating said consideration.

6.   Claims 1-28 are currently pending in this case. Claims 11, 14 have been canceled. Claim 28 has

been added. Claims 1 and 5 are independent claims.

Continued Prosecution Application

7.   The request filed on 11/13/2000 for a Continued Prosecution Application (CPA) under 37 CFR

1.53(d) based on parent Application No. 09/058,496 is acceptable and a CPA has been established. An

action on the CPA follows.

8.   This application filed under former 37 CFR 1.60 lacks the necessary reference to the prior

application. A statement reading "This is a continuation of Application No. 09/058,496, filed April 10,

1998." should be entered following the title of the invention or as the first sentence of the specification.

Also, the current status of all nonprovisional parent applications referenced should be included.

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

10.   **Claims 12, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In regard to dependent claim 12, the phrase *"The method of claim 11"* is indefinite because applicant has canceled claim 11. The examiner's suggestion of changing said phrase to *"The method of claim 1"* will overcome this rejection.

In regard to dependent claim 15, the phrase *"The method of claim 14"* is indefinite because applicant has canceled claim 14. The examiner's suggestion of changing said phrase to *"The method of claim 1"* will overcome this rejection.

Examiner's Notes

For the following set of rejections, the examiner interprets dependent claim 11 as directly

dependent upon claim 1, and interprets claim 15 as directly dependent upon claim 1.

Claim Rejections - 35 USC § 103

11.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of
> this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter
> as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   **Claims 1-10, 13, 17-20, 22-23, 26-27 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Mapedit Imagemap Editing Software (hereinafter Mapedit), Version 2.3 for

Windows 3.1, 1997 by Boutell.Com, Inc. URL: http://www.boutell.com/mapedit, pp.1-19.

In regard to independent claim 1, Mapedit teaches image mapping of a selected file (Mapedit

Figure 9 paragraph 1,2). Mapedit does not specifically teach the inputting of a graphic file containing

layers. However, Mapedit teaches the saving of edited overlapping layered image regions (Mapedit

Figures 17-19; compare with amended claim 1 *"receiving an electronic artwork having a plurality of*

layers, each layer having transparency information"). It would have been obvious to one of ordinary skill

in the art at the time of the invention to input said image mapped graphic, because of Mapedit's taught

advantage of reopening and editing such files.

Mapedit teaches user selection of a layer, and Mapedit teaches an image containing non-transparent, as well as transparent layers within an image (Mapedit Figures 17, 18; compare with amended claim 1 *"receiving from a user an input selecting a layer in an electronic artwork having a plurality of layers, the selected layer having content consisting of one or more non-transparent regions in a transparent frame "*).

Mapedit teaches a method whereby areas of a graphic file are portioned, with a specific URL assigned to each portion so as to activate a URL when an area is selected, and Mapedit teaches a non-transparent region defining a hot spot region (Mapedit Figures 4, 5, 10, 17, 18; compare with amended claim 1 *"...calculating a definition of an area corresponding to a boundary of the one or more non-transparent regions in combination, and assigning an action to the area, the action defining a function that is to be activated when the area is selected. "*).

Mapedit teaches a method of an image map, whereby a selected region (area) is selected, resulting in an action mapped from said region corresponding to a portion of an image (Mapedit Figure 17; compare with amended claim 1 *"associating the area and the action with the selected layer as a property of the selected layer in the electronic artwork"*).

In regard to dependent claim 2, Mapedit teaches a method of assigning a URL to a selected region (Mapedit Figure 5; compare with claim 2).

In regard to dependent claim 3, Mapedit teaches compositing of images (Mapedit Figure 17; compare with claim 3 *"compositing the layers of the artwork"*).

In addition, Mapedit teaches a method of converting a hotspot area along with associated URLs to an HTML file format (Mapedit Figure 16; compare with claim 3 *"converting the area and the action to a target output format."*).

In regard to dependent claim 4, Mapedit teaches a method of converting a hotspot area along with associated URLs to an HTML file format (Mapedit Figure 16; compare with claim 4).

In regard to independent claim 5, Mapedit teaches image mapping of a selected file (Mapedit Figure 9 paragraph 1,2). Mapedit does not specifically teach the inputting of a graphic file containing layers. However, Mapedit teaches the saving of edited overlapping layered image regions (Mapedit Figures 17-19; compare with claim 5 *"receive an electronic artwork having a plurality of layers, each layer having transparency information"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to input said image mapped graphic, because of Mapedit's taught advantage of reopening and editing such files.

Mapedit teaches user selection of a layer (Mapedit Figures 17, 18; compare with claim 5 *"receive from a user an input selecting one of the plurality of layers"*).

Mapedit teaches a method whereby areas of a graphic file are portioned, with a specific URL assigned to each portion so as to activate a URL when an area is selected (Mapedit Figures 4, 5, 10; compare with claim 5 *"identify a non-transparent region of the selected layer of the electronic artwork; and assign an action to an area corresponding to the non-transparent region, the action defining a function that will be activated when the area is selected"*).

In regard to dependent claim 6, Mapedit teaches a method of creating a polygon-shaped area on a graphics file by creating boundaries via a mouse, said boundaries created until an enclosed polygon is created (Mapedit Figure 10; compare with claim 6 *"calculating a boundary of the non-transparent region"*).

In addition, Mapedit teaches a method whereby the area within said enclosed polygon reverses color when subsequently activated via said mouse (Mapedit Figures 5, 12; compare with claim 6 *"calculate a definition of the area from the boundary."*).

In regard to dependent claims 7 and 8, claims 7 and 8 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 3 and 4, respectively, and are rejected along the same rationale.

In regard to dependent claim 9, Mapedit teaches a method whereby a mapped image is presented (Mapedit Figure 17). Mapedit does not specifically teach the saving of a composited image as an image file. However, since Mapedit teaches the presentation and saving of an image with different mapped layers, with both said image and said layers reproducible within the Mapedit editor environment, it would have been obvious to one of ordinary skill in the art at the time of the invention to save said layers as an image file, because of Mapedit's taught advantage of the presentation and saving of layers with images.

In addition, Mapedit teaches a method of saving an HTML file including an associated graphics file and a hotspot with associated URLs (Mapedit Figures 2, 16; compare with claim 9 lines 4-6).

In regard to dependent claim 10, claim 10 incorporates substantially similar subject matter as claimed in amended claim 1, and is rejected along the same rationale.

In regard to dependent claim 13, Mapedit teaches the calculation of dynamic content for a selected layer before the area is calculated, since it is known in the art that currently edited information is considered dynamic information until saved, Mapedit's calculation and formulation of hotspots is based upon dynamic content, prior to saving.

In regard to dependent claim 17, Mapedit teaches a method whereby a hole is created subsequent to the creation of three imagemap shapes, said hole can be ignored by selecting delete from the default URL box so that no action is performed subsequent to the activation of said hole (Mapedit Figure 15; compare with claim 17).

In regard to dependent claim 18, Mapedit teaches a method whereby a hole is created subsequent to the creation of three imagemap shapes, said hole is designated as a hotspot region by selecting a default URL from the default URL box so that an action is performed subsequent to the activation of said hole (Mapedit Figure 15; compare with claim 18 "*separate regions having no holes are created if the region has holes*").

In addition, Mapedit teaches a method whereby the imagemaps created during a user session, including default regions (holes), are collectively used to define an imagemap of a graphical image (Mapedit Figure 15; compare with claim 18 "*the separate regions in combination contribute to the definition of the area.*").

In regard to dependent claims 19-20, 22-23, 26-27, claims 19-20, 22-23, 26-27 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 10-11, 13-14, 17-18, respectively, and are rejected along the same rationale.

13.   **Claims 12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit as applied to claims 1 and 5 above, and further in view of White et al. (hereinafter White), U.S. Patent No. 6,034,689 issued March 2000.**

In regard to dependent claim 12, Mapedit teaches a method whereby areas of edited graphic file are portioned with a specific URL assigned to each bounded portion so as to activate a URL when an area is selected, said area of bounded portion displayed in reverse color when activated (Mapedit Figures 4, 5, 10). Mapedit does not specifically teach a method of conforming the area automatically to content of the selected layer subsequent to editing of said layer. However, White teaches the rescaling of an image map area subsequent to the resizing of a web page to fit different display areas (White column 15 lines 24-37; compare with claim 12 *"conforming the area automatically to content of the selected layer"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of White to the method of Mapedit, because of White's taught advantage of scaling, providing a way for preserving an image map subsequent to changes in size of the the edited imagemap method as taught by Mapedit.

In regard to dependent claim 21, claim 21 reflects the computer program product comprising computer readable instructions used for implementing the method as claimed in claim 12, and is rejected along the same rationale.

14. **Claims 15-16, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit as applied to claims 1 and 5 above, and further in view of Nielsen, U.S. Patent No. 5,991,781 issued November 1999.**

In regard to dependent claim 15, claim 15 incorporates substantially significant subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Mapedit teaches multiple hot spot regions within an image (Mapedit Figure 5; compare with claim 15 "*the selected layer has two or more non-contiguous*", and "*...in a transparent frame*"). Mapedit does not specifically teach the inclusion of two or more non-transparent regions. However, Nielsen teaches at least two non-transparent regions (Nielsen Figures 1b, 11; compare with claim 15 "*...non-transparent...*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Nielsen to the method of Mapedit, because of Nielsen's taught advantage of non-transparent images, providing an alternate way to show regions within an image.

In addition, Mapedit teaches multiple hot spot regions within an image, said regions can encompass the entire image (Mapedit Figure 5; compare with claim 15 "*the non-transparent regions in combination define the area.*").

In regard to dependent claim 16, claim 16 incorporates substantially significant subject matter as claimed in claim 15, and in further view of the following, is rejected along the same rationale.

Mapedit teaches a method whereby multiple image maps can be defined in different areas of an image (Mapedit Figure 4; compare with claim 16 line 2, *"generating multiple image maps"*).

In regard to dependent claims 24-25, claims 24-25 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 15-16, respectively, and are rejected along the same rationale.

15.   **Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit as applied to claim 1 above, and further in view of Habermehl, U.S. Patent No. 5,956,701 issued September 1999.**

In regard to dependent claim 28, Mapedit does not specifically teach calculating a hot spot area by utilizing the tracing of boundary perimeters. However, Habermehl teaches defining hot spot areas taking into account the boundaries of an area, said defining accomplished via neural net (Habermehl column 3 lines 35-40, Figures 3, 6; compare with claim 28). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Habermehl to Mapedit, because of Habermehl's taught advantage of calculating areas, providing a way for defining portions of an image using fewer inputs and less redundancy to Mapedit (Habermehl column 2 lines 59-61).

Response to Arguments

16.   Since no arguments have been presented by the applicant, no rebuttal by the examiner is deemed

necessary at the present time.

Conclusion

17.   The prior art made of record and not relied upon is considered pertinent to disclosure.

Marimont et al.	U.S. Patent No. 5,751,852	issued	May	1998
Adapathya et al.	U.S. Patent No. 6,075,537	issued	June	2000

NCSA Imagemap Tutorial, web page downloaded from Internet: [<URL: http://hoohoo.ncsa.uiuc.edu/docs/tutorials/imagemapping.html>], November 5, 1995, downloaded 1/23/2001, pp.1-4.

18.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to William Bashore whose telephone number is **(703) 308-5807**. The

examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon, can be reached on **(703) 308-5186**. The fax number to this art unit

is **(703) 308-6606**.

Any inquiry of a general nature or relating to the status of this application should be

directed to the Group receptionist whose telephone number is **(703) 305-3900**.

19.   **Any response to this action should be mailed to:**
                Commissioner of Patents and Trademarks
                Washington, D.C. 20231

       or faxed to:
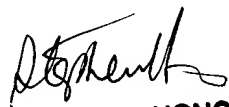
                (703) 308-9051, (for formal communications intended for entry)
       or:
                (703) 305-9724 (for informal or draft communications, please label
       "PROPOSED" or "DRAFT")

       **Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
       Arlington, VA, Sixth Floor (Receptionist).**

William L. Bashore
1/22/2001

STEPHEN S. HONG
PRIMARY EXAMINER